

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS**

Appl. No. : 09/866,425
Applicant : Vilkauskas et al.
Filed : May 24, 2001
TC/A.U. : 2167
Examiner : Wassum, Luke S.
Docket No. : KLR:8096.0008
Customer No. : 00152

Confirmation No. 5992

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
TO OVERCOME CITED PATENT OR PUBLICTAION (37 C.F.R. § 131)**

1600 ODS Tower
601 S.W. Second Avenue
Portland, OR 97204

December 13, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PURPOSE OF DECLARATION

1. This declaration is to establish reduction to practice of the claimed invention of this application in the United States at a date prior to October 13, 1999, which is the effective date of the "Pornrodeo" reference cited by the Examiner.
2. The persons making this declaration are the surviving inventors, Andrew Vilcauskas, Jr., and Robert Bloodgood, III. Matthew Middleton is deceased.

FACTS AND DOCUMENTARY EVIDENCE

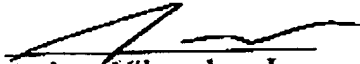
3. Attached to this declaration is an Exhibit showing an html document containing a script that, when executed in a foreground browser window, opens another browser window containing content such as an advertisement, which is then a background browser window.
4. Referring to the Exhibit, the "<body>" and "</body>" tags define a body section of the html document.
5. The "<script>" and "</script>" tags define a Java-based script section of the html document.

6. The body of the html document is executed within the browser.
7. The "onUnload" event within the body causes the script "exiting()" to execute when, for example, the browser window is changed to a new address.
8. The script "exiting()" executes the "window.open" ("http://www.happytime.com") method which opens a new browser window with the specified address http://www.happytime.com.
9. The script "exiting()" includes comments denoted by "/*".
10. The script "exiting()" then executes the "window.focus()" method which brings the browser window, where the address was changed to a new address, to the foreground.
11. The effect of the script "exiting()" defined between "<script>" and "</script>", that is called upon the "onUnload" event, is to open a new browser window to the specified address, and bring the browser window with the changed address to the foreground, resulting in the new browser window with the specified address being in the background.
12. The attached Exhibit is archived on a computer system at ExitExchange Corporation with an archive date prior to October 13, 1999. It was executed on an A M Enterprises, Inc. computer in the United States on a date prior to October 13, 1999, and was thereby reduced to practice in the United States on a date prior to October 13, 1999.
13. This reduction to practice is prior to the effective date of the Pornrodeo reference.
14. This declaration is submitted at a time prior to a final rejection.
15. Both Mr. Vilcauskas, Jr. and Mr. Bloodgood, III witnessed first hand the execution of the code on the Exhibit.

DECLARATION

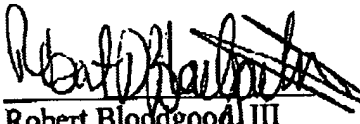
15. As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES


Andrew Viloauskas, Jr. 12-15-05
Date

Residence Address:
921 SW Washington St. #228
Portland, Oregon 97205
USA

Citizenship: USA


Robert Bloodgood, III 12-15-05
Date

Residence Address:
236 SE 90th
Portland, Oregon 97216
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Citizenship: USA

Exhibit

```
<html>
<script>
function exiting() {
window.open("http://www.happytime.com");
//window.blur;
//window.focus;
window.focus();
}
</script>
<body onUnload="exiting();">
<h2>Exit Window Test for Andy</h2>
</body>
</html>
```